

SENATE BILL NO. 356
INTRODUCED BY GRIMES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO INDECENT EXPOSURE TO PROVIDE THAT LOCAL GOVERNMENTS MAY ADOPT ORDINANCES OR RESOLUTIONS THAT PROHIBIT ~~ADDITIONAL CONDUCT OR PROVIDE GREATER PENALTIES~~ ARE MORE RESTRICTIVE AS TO PUBLIC NUDITY THAN STATE LAW; AND AMENDING SECTION 45-5-504, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-504, MCA, is amended to read:

"45-5-504. Indecent exposure. (1) A person commits the offense of indecent exposure if the person knowingly or purposely exposes the person's genitals under circumstances in which the person knows the conduct is likely to cause affront or alarm in order to:

(a) abuse, humiliate, harass, or degrade another; or

(b) arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person.

(2) (a) A person convicted of the offense of indecent exposure shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term of not more than 6 months, or both.

(b) On a second conviction, the person shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term of not more than 1 year, or both.

(c) On a third or subsequent conviction, the person shall be punished by life imprisonment or by imprisonment in a state prison for a term of not less than 5 years or more than 100 years and may be fined not more than \$10,000.

~~(3) Cities, towns, or counties may adopt ordinances or resolutions that prohibit additional conduct or provide greater penalties~~ ARE MORE RESTRICTIVE AS TO PUBLIC NUDITY than this section.

(4) AS USED IN THIS SECTION, "PUBLIC NUDITY" MEANS THE SHOWING OF THE HUMAN MALE OR FEMALE GENITALS, PUBIC HAIR, OR BUTTOCKS WITH LESS THAN A FULLY OPAQUE COVERING OR THE SHOWING OF THE FEMALE BREAST WITH LESS THAN A FULLY OPAQUE COVERING OF ANY PART OF THE NIPPLE."

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